

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington D.C. 20436

In the Matter of)	
)	
CERTAIN POLYETHYLENE)	Investigation No. 337-TA-457
TEREPHTHALATE YARN AND)	
PRODUCTS CONTAINING SAME)		
)	

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AND MODIFY
AN INITIAL DETERMINATION AMENDING THE COMPLAINT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review on its own motion and modify the presiding administrative law judge's (ALJ's) initial determination (ID) amending the complaint to add three patent claims, to correct an exhibit, and replace an appendix in the above-captioned investigation. The ID amends only the complaint rather than both the complaint and notice of investigation. The Commission has determined to review and modify the ID to also amend the notice of investigation because, under Commission rule 210.10 (b), the scope of the investigation is defined by the notice.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TTD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this patent-based investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain polyethylene terephthalate yarn and products containing same, on May 17, 2001. 66 *Fed. Reg.* 27586. The complainant, Honeywell International Inc. of Morris town, New Jersey (Honeywell) named Hyosung Corporation of Seoul, Korea as the only respondent. On September 21, 2001, the Commission determined not to receive an initial determination by the ALJ to add Hyosung America, Inc., a wholly-owned U.S. subsidiary of Hyosung, as a respondent.

On November 7, 2001, Honeywell moved to amend its complaint to (1) add three additional patent claims that it recently discovered are allegedly infringed by the Hyosung respondents, (2) correct Confidential Exhibit 15 to the complaint to refer to the proper licensing agreement, and (3) to replace

confidential Appendix 4 to the complaint with the correct license. On November 20, 2001, the presiding ALJ issued an order (Order No. 36) granting Honeywell's motion to amend its complaint. On November 21, 2001, the ALJ reissued his decision as an ID (Order No. 37). No petitions for review of the ID were received.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 190, as amended (19 U.S.C. § 1337), and in sections 210.44 and 210.45(c) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.44 and 210.45(c)).

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000.

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: December 18, 2001